



## RIGHT OF WAY FREQUENTLY ASKED QUESTIONS

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### 1. WHEN WILL WE KNOW IF OUR HOUSE IS GOING TO BE ACQUIRED?

The MVC EIS Team is currently considering a range of alternatives for both highway and transit improvements in the corridor. A preferred alternative may be designated in the Draft EIS (fall 2005) and will be designated no later than the Final EIS (mid 2006). The designation of a preferred alternative will identify the *likely* route for the project. The final decision will be made by federal agencies in a Record of Decision (ROD) late 2006. Following the ROD, property acquisition may begin. Since there is no right-of-way or construction funding identified, it is hard to predict when acquisition would begin.

### 2. HOW DOES THE STATE ACQUIRE HOMES?

There is a step-by-step process that must be followed when land is acquired for a highway project. This process is defined in Federal and State law. Property acquisition procedures are described in detail on UDOT's web site in the [Acquisition, Appraisal, and Relocation](#) section. This section of the UDOT web site includes brochures on [property owner's rights](#) and acquiring property.

### 3. HOW IS THE VALUE OF MY PROPERTY DETERMINED?

By law, State agencies must pay "fair market value" for private property. The fair market value is determined by an approved, independent appraiser. The appraiser evaluates the property and also researches the area for homes with similar characteristics that have sold recently. The property owner has the right to be present during the appraisal property inspection and can bring to the appraiser's attention any characteristics pertinent to the appraisal.

After the appraisal is complete, the State offers to acquire the property at fair market value, as determined by the appraiser's valuation. Under State law, UDOT's offer must be based on the fair market value and supported by documented justification. This offer is not negotiable. The owner has the opportunity to review the offer and either accept or reject it. Additional information about the [property acquisition](#) process is available on UDOT's web site.

### 4. WHAT IF WE DO NOT ACCEPT UDOT'S OFFER FOR OUR PROPERTY?

On scheduled projects, if a private property owner does not accept the State's offer, the State will file an eminent domain law action in a State District Court. In the eminent domain action, the court will determine the fair market value of the property, after considering evidence submitted by both parties.

If the State begins an eminent domain action, an individual should consult with an attorney about legal rights. The [State's Private Property Ombudsman](#) is also available for advice.

### 5. IF UDOT ONLY NEEDS PART OF MY PROPERTY, WILL I BE FORCED TO LIVE NEXT TO A FREEWAY OR SOUND WALL? HOW WILL I BE COMPENSATED?

In the event a project only impacts a portion of an owner's property, UDOT will pay fair market value for the land and improvements that are actually impacted. Owners may also receive proximity damages or payment for an easement depending on the property and the appraisal valuation. Proximity

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damages are only available to those whose property is directly impacted. The property may be purchased in total if determined appropriate on a case-by-case basis.

### 6. WHAT ASSISTANCE WILL I RECEIVE IF I AM RELOCATED?

The State has a relocation assistance program that provides benefits for all those who are displaced by a highway or transit project (including residents, businesses, non-profit organizations, and farmers).

As part of this program, the State provides assistance in identifying replacement property. Replacement property must be comparable to the property that is being acquired, and also must be decent, safe, and sanitary.

In addition, as part of the relocation assistance program, the State pays for eligible relocation costs. Relocation costs include moving costs (packing, storage, shipping, etc.) as well as other costs associated with the relocation. The relocation payment is separate from the payment for the fair market value of the property itself. Additional information about [relocation assistance](#) is available on UDOT's web site.

### 7. I RENT THE HOME WHERE I LIVE. WHAT HAPPENS TO ME IF THAT PROPERTY IS ACQUIRED FOR THE MVC PROJECT?

Tenants of rental properties may be eligible for relocation benefits. If the property is acquired in advance of the need for the property, the tenant may be allowed to remain in the residence (under lease from the State) until the project begins. Tenants are eligible for relocation assistance only if the Department has asked the tenant to move because of the project.

### 8. I WANT UDOT TO BUY MY PROPERTY NOW, IS THAT POSSIBLE?

In general, right-of-way acquisition cannot proceed until after the current study process is complete and a Record of Decision (ROD) is issued. However, "hardship" acquisitions can occur prior to completion of the study process.

To request a hardship acquisition, a property owner must submit a letter to UDOT explaining the hardship. The letter must explain, on the basis of health, safety or financial reasons, that remaining in the property poses an undue hardship compared to others. The letter also must document that because of the impending project, the owner is unable to sell the property at fair market value, within a time period that is typical for properties not impacted by the impending project. Requests for hardship acquisition are reviewed by the Transportation Advisory Council and then by the Transportation Commission for final approval. The process can take from three to six months.

Until this project is funded and has a scheduled construction date, UDOT must use Corridor Preservation Funds to acquire property along the MVC. These purchases of properties are referred to as advanced acquisitions and are voluntary purchases. This means that the property owner does not have to accept the UDOT offer. If a property owner does not accept the offer to purchase, no further action will be taken. UDOT will withdraw the offer and the property will not be acquired at that time.

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**9. WHY ARE BUILDING PERMITS STILL PROVIDED IN AREAS WHERE A POTENTIAL FREEWAY IS UNDER STUDY?**

It is not within a city's or state's right to deny building permits to developers who meet all requirements and want to develop their land. UDOT works closely with cities and counties during an EIS process to encourage developers to reserve land for future transportation improvements. In some cases, where the developer is willing, UDOT is able to purchase a portion of the land through advanced acquisition.

**10. IF I CHOOSE TO SELL MY HOME NOW, AM I REQUIRED TO DISCLOSE THAT UDOT IS STUDYING MY AREA TO BUILD A POTENTIAL FREEWAY?**

Realtors are required to disclose any information that may affect the property to a potential buyer. Individuals should contact an attorney with any questions regarding the responsibility to disclose information about the MVC study.

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